

Respondent: U-Pick-It, Inc.
Facility: U-Pick-It - Kansas City, MOR-60A347
Prepared by: Michael Boeglin, x7252

*RO-2.4-CNSL-west.
x753*

CWA 309 (g) PENALTY CALCULATION WORKSHEET	AMOUNT
1. Calculate Statutory Maximum Penalty Period of violation: February 9, 2012 and June 12 through December 21, 2012, consisting of 194 days. \$37,500/day for a civil (DOJ referral) case X 194 days = \$7,275,000 \$16,000/day for an administrative case X 194 days = \$3,104,000	\$ 3,104,000
2. Economic Benefit of Noncompliance Attach BEN printouts, with explanations for calculations	\$ 11,958
3. Total of Monthly Gravity Amounts (see penalty chart)	\$ 68,500
4. Gravity Adjustments	
a. Flow Reduction Factor (0 - 50%) (- %) x line 3	\$ N/A
b. Recalcitrance Factor (0 - 150%) (10%) x line 3	\$ N/A
c. Total gravity adjustments lines (4.b) - (4.a)	\$ 0
5. Preliminary Penalty Amount (lines 2 + 3 + 4.c)	\$ 80,458
6. Quick Settlement Reduction (0 or 10%) x line 5	\$ 8,046
7. Litigation Consideration Reduction	\$,
8. Ability to pay reduction	\$,
9. Reduction for Supplemental Environmental Projects	\$,
10. Bottom-line Cash Settlement Penalty, (5)-(6)-(7)-(8)-(9)= (or, if applicable, amount calculated by national municipal litigation consideration in § IV. D. 6, less no more than 40% of that amount for appropriate SEPs.)	\$ 72,412

Pleading penalty: \$11,958 + 1.25 x 68,500 = \$97,583

*140,400 PCB 9132
53,400 21358
97,583*

3. Remove batteries, fluids, and fuels prior to parking vehicles on the grounds.
→ $900 \text{ vehicles} \times 1/3 \text{ hour/vehicle} \times \$10/\text{hour} = \$3000$ (Avoided, one-time non-depreciable cost, 2013 dollars)
→ BEN output: **\$1968**
4. Submit an annual report.
→ $\$30/\text{hour} \times 1 \text{ hour} = \30 (Avoided, one-time non-depreciable cost, 2013 dollars)
→ BEN output: **\$19**
5. Mark outfalls and report a spill. An economic benefit cost is not assessed for these violations, as the avoided cost is negligible.

TOTAL ECONOMIC BENEFIT = \$11,958